

**K. How Will the Final Selections Be Made?**

After the individual projects are reviewed and ranked, EPA officials in the regions will compare the best pre-applications and make final selections. Additional factors that EPA will take into account include geographic and socioeconomic balance, diverse nature of the projects, cost, and projects whose benefits can be sustained after the grant is completed. Regional Administrators will select the grants with concurrence from the Director of the Office of Environmental Justice at EPA Headquarters.

Please note that this is a very competitive grants program. Limited funding is available and many grant applications are expected to be received. Therefore, the Agency cannot fund all applications.

**L. How Will Applicants Be Notified?**

After all pre-applications are received, EPA regional offices will mail acknowledgments to applicants in their regions. Once pre-applications have been recommended for funding, the EPA regions will notify the finalists and request any additional information necessary to complete the award process. The EPA Regional Environmental Justice Coordinators or their designees will notify those applicants whose projects were not funded.

**Grant Activities****M. How Much Time Do Grant Recipients Have to Complete Projects?**

Activities must be completed within the time frame specified in the grant award, usually one year.

**N. Who Will Perform Projects and Activities?**

The recipient organization is responsible for the successful completion of the project. The recipient's project manager is subject to approval by the EPA project officer but EPA may not direct that any particular person be the project manager.

**O. What Reports Must Grant Recipients Complete?**

All recipients must submit final reports for EPA approval within ninety (90) days of the end of the project period. Specific report requirements (for example, Final Technical Report and Financial Status Report) will be described in the award agreement. EPA will collect, evaluate, and disseminate grantees' final reports to serve as model programs. Since networking is crucial to the success of the program, grantees

may be required to submit an extra copy to a central collection point.

**P. What is the Expected Time-frame for the Review and Awarding of the Grants?**

December 1, 1995—Request for Applications Notice (RFA) is published in the Federal Register.

December 1, 1995 to March 1, 1996—Eligible grant recipients develop their pre-applications.

March 2, 1996—Pre-applications must be postmarked by this date.

March 2, 1996 to April 15, 1996—EPA regional program officials review, evaluate, and select grants.

April 15, 1996 to June 30, 1996—EPA regional grants offices process grants and make awards. Applicants will be contacted by the grants office or program office if their pre-proposal was selected for funding. Additional information may be required from the finalists, as indicated under Question G above.

August 1, 1996—EPA expects to release the national announcement of the FY 96 Environmental Justice Small Grant Recipients.

**Fiscal Year 1997****Q. How Can I Receive Information on the Fiscal Year 1997 Environmental Justice Grants Program?**

If you wish to be placed on the mailing list to receive information on the 1997 Environmental Justice Small Grants Program, you must mail your request along with your name, organization, address, and phone number to: U.S. Environmental Protection Agency, Office of Environmental Justice Small Grants—FY 1997 (3103), 401 M Street SW., Washington, DC 20460.

For additional information, please contact the appropriate Regional EJ Coordinator or designee listed at the end of this notice.

Dated: November 27, 1995.

Clarice E. Gaylord,

Director, Office of Environmental Justice.

Contact names and addresses

**Region 1**

Primary Contact: Rhona Julien, USEPA Region 1, John F. Kennedy Federal Building, One Congress Street, 10th Floor OCR, Boston, MA 02203

Secondary Contact: Pat O'Leary

**Region 2**

Primary Contact: Melva Hayden, USEPA Region 2, 290 Broadway, 26th Floor, New York, NY 10007

Secondary Contacts: Natalie Loney, Lillian Johnson

**Region 3**

Primary Contact: Reginald Harris, USEPA Region 3 (3PM-71), 841 Chestnut Building, 3DA00, Philadelphia, PA 19107-4431

Secondary Contact: Mary Zielinski

**Region 4**

Primary Contact: Vivian Malone-Jones, USEPA Region 4, 345 Courtland Street, N.E., Atlanta, GA 30365

Secondary Contact: Hector Buitrago

**Region 5**

Primary Contact: Margaret Millard, USEPA Region 5 (H-75), 77 West Jackson Boulevard, Chicago, IL 60604-3507

Secondary Contact: Garnetta Clark

**Region 6**

Primary Contact: Shirley Augurson, USEPA Region 6 (6M-P), 1445 Ross Avenue, 12th Floor, Dallas, Texas 75202-2733

Secondary Contact: Hattie Brown

**Region 7**

Primary Contact: Hattie Thomas, USEPA Region 7, 726 Minnesota Avenue, Kansas City, KS 66101

Secondary Contact: Rupert Thomas

**Region 8**

Primary Contact: Elisabeth Evans, USEPA Region 8 (PM-AS), 999 18th Street, Suite 500, Denver, CO 80202-2405

Secondary Contact: Patricia Denham

**Region 9**

Primary Contact: Lori Lewis, USEPA Region 9 (E-1), 75 Hawthorne Street, San Francisco, CA 94105

Secondary Contact: Martha Vega

**Region 10**

Primary Contact: Joyce Kelly, USEPA Region 10(MD-142), 1200 Sixth Avenue, Seattle, WA 98101

Secondary Contact: Susan Morales

**Headquarters**

Primary Contact: Angela Chung, USEPA, Office of Environmental Justice (3103), 401 M Street SW., Washington, DC 20460.

**States and Territories By Region**

Region 1: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont

Region 2: New Jersey, New York, Puerto Rico, U.S. Virgin Islands

Region 3: Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia

Region 4: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee

Region 5: Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin

Region 6: Arkansas, Louisiana, New Mexico, Oklahoma, Texas

Region 7: Iowa, Kansas, Missouri, Nebraska

Region 8: Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming

Region 9: Arizona, California, Hawaii,

Nevada, American Samoa, Guam

Region 10: Alaska, Idaho, Oregon,

Washington.

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[FRL-5338-5]

**Office of Environmental Justice;  
Environmental Justice Community/  
University Partnership Grants Program  
Request for Applications (RFA) for  
Fiscal Year (FY) 1996**

**Purpose of Notice**

The purpose of this notice is to solicit applications from eligible candidates under the Environmental Justice Community/University Partnership Grants Program sponsored by the Environmental Protection Agency, Office of Environmental Justice.

**Grants Program Overview**

The grants program was established to help community groups and tribal governments effectively address local environmental justice issues through active partnerships with one or more institutions of higher education. The Universities/Colleges shall support affected environmental justice community groups and American Indian tribes who engage in or plan to carry out projects that address environmental justice issues. The Universities/Colleges must focus on the design, methods, and techniques to evaluate and solve the environmental justice issues of concern to affected communities. The Universities/Colleges that have experience working with, and capabilities to effectively communicate with, affected communities, in actual partnership with such communities, will be given priority. This grants program will further the federal government's commitment to develop stronger partnerships with stakeholders in order to enhance community-based environmental protection.

The emphasis of this grants program is on meaningful, two-way cooperation between communities or tribes and institutions of higher education serving minority communities and low-income communities or tribes in order to address environmental justice issues. Partnerships must be established with formal agreements (i.e. Memoranda of Agreements) between at least one College/University and at least one socio-economically disadvantaged community which is adversely impacted by an environmental hazard. These partnerships become the catalyst for increasing environmental awareness and involvement in resolving environmental problems, such as exposure to environmental pollutants in minority communities and low-income communities and on Tribal lands.

The main objective of this grants program is to link community residence/organizations and tribes with

their neighboring or affiliated academic institutions to forge partnerships to address local environmental and public health concerns. This effort is designed to ensure that these partners:

- Are aware of basic environmental regulations, laws, concepts, issues, and resources;
- Understand their role in identifying and defining problems, and monitoring contaminants related to environmental exposures;
- Are included in the dialogue that results in shaping future policies, guidances, and approaches to problem solving; and
- Are encouraged to be active partners in developing responses and setting priorities for intervention.

Through these partnerships, communities will be encouraged to become involved in accessing information from environmental databases, in cleaning-up and restoring environmental quality in communities that have environmental insults, and in surveying and monitoring environmental quality.

*Number of Grants Proposed:* A minimum of four grants are expected to be awarded for fiscal year (FY) 1996, depending on the amount of funding.

*Grant Award Amount:* A maximum of \$250,000 will be awarded to each recipient, contingent upon the availability of funds. Work funded by this program is expected to begin upon award of the grant. All grants under this notice are expected to be awarded by August 1996.

*Grant Term:* The grant award will be a maximum of \$250,000, but the project period can extend up to three years, if necessary. However, if the project period extends beyond one year the funding will be dispersed to the grantee over the course of the project period, not all in the first year.

*Eligibility:* Participation is limited to all institutions of higher education, which are eligible under applicable statutory authorities, including Historically Black Colleges or Universities (HBCUs), Hispanic Serving Institutions (HSIs), Tribal Colleges (TCs), and institutions serving Asian-American (AA's) and other minority communities or low-income communities, and which have formal partnerships (i.e., a signed Memorandum of Agreement) with any affected community groups (e.g., community-based/grassroots organizations, churches, schools, or other nonprofit community organizations) or with tribal governments.

The Environmental Justice Community/University Partnerships

may be either a partnership among two single entities or consortium of entities. If a consortium is proposed, the lead academic institution must be identified and be one of the eligible applicants. This lead institution is recognized as the grantee and as such is responsible for all activities under the agreement.

*Statutory authorities:* The granting authority is multi-media and the grant proposal must address at least two of the following statutes:

Clean Water Act, Section 104(b)(3)  
Solid Waste Disposal Act, Section 8001(a)

Clean Air Act, Section 103(b)(3)  
Marine Protection, Research and Sanctuaries Act, Section 203  
Toxic Substances Control Act, Section 10(a) <sup>1</sup>

Safe Drinking Water Act, Section 1442(b)(3)  
Federal Insecticide, Fungicide, and Rodenticide Act, Section 20(a) <sup>2</sup>  
Comprehensive Environmental Response, Compensation and Liability Act,  
Section 111(c)(10).<sup>3</sup>

*Background:* In its 1992 report, *Environmental Equity: Reducing Risk for All Communities*, EPA found that minority and low-income communities may experience higher than average exposure to toxic pollutants than the general population. The Office of Environmental Justice (OEJ) was established in 1992 to help these communities identify and assess pollution sources, implement environmental awareness and training programs for affected residents and work with local stakeholders (community-based organizations, academia, industry, local governments) to devise strategies for environmental improvements.

In June of 1993, OEJ was delegated granting authority to solicit projects, select suitable projects from among those proposed, supervise such projects, evaluate the results of projects, and disseminate information on the effectiveness of the projects, and feasibility of the practices, methods, techniques and processes in environmental justice areas.

*General:* The following questions and answers are designed to respond to frequent concerns of applicants.

<sup>1</sup> Projects under this statute are limited to research or development activities.

<sup>2</sup> Projects under this statute are limited to research activities (e.g., surveys)

<sup>3</sup> Projects under this statute are limited to hazardous substance detection, assessment, and evaluation, and associated human health effects and risks.

**A. What Specific Requirements Exist for the Environmental Justice Community/University Partnership Grants Program?**

Projects under the Environmental Justice Community/University Partnership Grants Program shall include, but not be limited to:

1. Design and demonstration of field methods, practices, and techniques, including assessment and analysis of environmental justice conditions and problems which may have a wide applicability and/or addresses a high priority environmental justice issue (e.g., socio-economic impact studies);

2. Research projects to understand, assess or address, regional and local trends in environmental justice issues or problems (e.g., monitoring of socio-economic change in a community as a result of an environmental abuse);

3. Demonstration or dissemination of environmental justice information, including development of educational tools and materials (e.g., establish an environmental justice clearinghouse of successful environmental justice projects and activities or teach about risk reduction, pollution prevention, or ecosystem protection as potential strategies for addressing environmental justice problems or issues);

4. Determine the necessary improvements in communication and coordination among local, state and tribal environmental programs and facilitate communication, information exchange, and community partnerships among all stakeholders to enhance critical thinking, problem solving, and decision making;

5. Provide technical expert consultation and training for accessing, analyzing, and interpreting public environmental data, and utilization of electronic communications technology (e.g., TRI, GIS, Internet and E-mail); and

6. Provide for a minimal "hard science" analysis capability (e.g., analyze water and soil samples to test for basic pollutants, provide radon testing kits, etc.).

Projects should involve new and innovative approaches and/or significant new combinations of resources, both of which should be identified in the partnership agreements;

An applicant is required to include in the application a signed agreement which describes the role of the prospective partner(s) in the project and its implementation, and which includes a commitment or intent to commit resources from the prospective partner(s) contingent only upon receipt of the grant award. The college/university must identify the community

residents or tribal government representatives who will serve on the "partnership team." Where appropriate, the community or tribal representatives on the team may be compensated for their work; and

Applications should include partnerships between colleges and universities which are providers of training and programs for these communities. One of the goals of the partnerships should be to develop a plan to shift the focus of these organizations from maintenance to that of self-sufficiency.

**B. What does Environmental Justice Involve Under the Environmental Justice Community/University Partnership Grant?**

Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that no groups of people, including racial, ethnic, or socioeconomic groups, should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies.

**C. May an Individual Apply?**

No. Only institutions of higher education may apply. The professional qualifications or community-based experience of those individuals participating in the proposed project will be an important factor in the selection process.

**Funding Priorities**

**D. What Types of Proposed Environmental Justice Community/University Partnerships Will Have the Best Chance of Being Funded?**

The Environmental Justice Community/University Partnerships must meet the objectives and criteria as described in Section A and B. The evaluations will be conducted, and items weighed, as indicated in Section G.

**E. Are Matching Funds Required?**

Yes. Federal funds for the Environmental Justice Community/University Partnerships shall not exceed 95% of the total cost of the project. EPA encourages non-Federal matching shares of greater than 5%. The non-Federal share of costs may be provided in cash or by in-kind contributions of services or property. In-kind contributions often

include salaries or other verifiable costs. In the case of salaries, applicants may use either minimum wage or fair market value of similar work in the same labor market. The proposed match, including the value of in-kind contributions, is subject to negotiation with EPA. All grants are subject to audit, so the value of in-kind contributions *must be carefully documented*. The matching (non-Federal) share is a percentage of the entire cost of the project. For example, if the total project cost is approximately \$260,000 then the Federal portion can be no more than \$247,000, which is 95% of the total project cost. For this example, the grant recipient would be required to provide \$13,000 for the project. The amount of non-Federal funds, including in-kind contributions, must be briefly itemized in Block 15 of the application form (SF 424). Among other things, *EPA funds cannot be used for matching funds for other Federal grants, construction, buying furniture, lobbying, intervention in federal rule-making, adjudicatory proceedings, litigation, or personal gifts*. Refer to 40 CFR 30.410 entitled, "How does EPA determine allowable costs?"

**Application Procedure**

An "Application for Federal Assistance" form (Standard Form 424 or SF 424), a "Budget Information: Non-Construction Programs" form (SF 424A), a Work Plan (described below), and a Memorandum of Agreement must be submitted. These documents contain all the information EPA needs to evaluate the merits of your proposed grant proposal.

Each instrument approved under the environmental justice delegation must be consistent with the Federal Grant and Cooperative Agreements Act of 1977, Public Law 95-224, as amended, 31 U.S.C. Section 6301; Title 40 of the Code of Federal Regulations, Parts 30 and 33, and existing media-specific regulations pertinent to the statement of work.

**F. How Must the Application be Submitted and Specifically what Must it Include?**

The applicants must submit one original, signed by a person authorized to receive funds for the applicant, and two copies of the application (double-sided copies encouraged). Applications must be reproducible (for example; stapled once in the upper left hand corner, on white paper, and with page numbers).

For the purposes of this grants program, an application must contain an SF 424, SF 424A, a work plan, a Memorandum of Agreement (MOA), and

the Certification Forms. The following describes these items:

1. Application for Federal Assistance (SF 424). An SF 424 is an official form required for all Federal grants. A completed SF 424 must be submitted as part of your preapplication.

2. Budget Information: Non-Construction Programs (SF 424A). An SF 424A is an official form required for all Federal grants. A completed SF 424A must be submitted as part of your application. This form, along with instructions are included at the end of this notice. In addition, a detailed budget which breaks down the budget categories is required.

3. Work Plan. A work plan describes the applicant's proposed project. Work plans must be no more than 15 pages total. One page is one side of a single spaced typed page. The pages must be letter size (8½ x 11), with normal type size (19 or 12 cpi) and at least 1" margins. The only appendices and letters of support that EPA will accept are a budget, resumes of key personnel, and commitment letters.

4. Memorandum of Agreement. The Memorandum of Agreement will provide the foundation for the working relationship between the college/university and the partners involved in the project. This agreement must be signed and have the roles and responsibilities of each partner clearly defined.

5. Necessary Signed Forms. Procurement Systems Certification, Certification Regarding Debarment, Suspension and Other Responsibility Matters, Certification Regarding Lobbying.

#### *G. How will the Applications be Evaluated?*

The applications will be evaluated by a review panel and selected according to the following criteria. The percentages next to the items are the weights EPA will use to evaluate the applications. Please note that certain sections are given greater weight than others.

(a.) A concise introduction of no more than three pages that states the nature of the college/university, how the college/university has been successful in the past, proposed uses, objectives, methods, plans, target audiences, and expected results of the project. (10%)

(b.) Clear and concise description of the project which includes the following:

1. A section describing the field methods, practices, and techniques, including assessment and analysis, which the partnership expects to implement to address national, regional

and local environmental justice issues. (10%)

2. A section describing how the partnership will disseminate environmental justice information and provide training, including educational tools and materials. (10%)

3. A section describing how the partnership will improve communications and coordination among local, state, tribal and federal environmental programs and community organizations, and how the partnership will enhance critical thinking, problem solving and decision making among all stakeholders. Specify effective and realistic methods for involving members of the targeted population. (10%)

4. A section describing who or how the partnership will obtain expert consultation and provide training for the partners to access, analyze and interpret public environmental data and utilize electronic communications technology. (10%)

5. A section describing the "hard science" analysis capability of the college(s)/university(ies). (10%)

(c.) A conclusion discussing how the applicant will evaluate the success of the partnership, in terms of the anticipated strengths and challenges in developing and administering the partnership. (10%)

(d.) An appendix with a budget describing how funds will be used in terms of personnel, fringe benefits, travel, equipment, supplies, contract costs, and other. Funds can not be used for matching funds for other federal grants, construction, buying furniture, lobbying, intervention in federal rule-making, adjudicatory proceedings, litigation, or personal gifts. The budget must list proposed milestones with deadlines and estimated cost and completion dates. All costs must be consistent with the cost principles of the Office of Management and Budget (OMB), A-21. (10%)

(e.) An appendix with one or two page resumes of up to five key personnel. (5%)

(f.) An appendix with one page letters of commitment from community-based organizations with a significant role in the development and administration of the partnership. Letters of endorsement will not be considered. (5%)

(g) A Memorandum of Agreement signed by each representative of the partnership team which identifies the roles and responsibilities of each partner. (10%)

#### *H. When and Where Must the Applications be Submitted?*

An original plus two copies of the application must be mailed to EPA postmarked no later than Saturday, March 2, 1996. Applications must be submitted to this EPA headquarters address: United States Environmental Protection Agency, Office of Environmental Justice, Mail Code 3103 Environmental Justice Community/ University Partnership Grants, 401 M Street S.W., Washington, D.C. 20460.

#### *Review and Selection Process*

##### *I. How Will Applications be Reviewed?*

EPA's Office of Environmental Justice will form a selections committee comprised of EPA, other federal agency staff, and outside reviewers to evaluate proposals and recommend selections. Applications will be screened to ensure they meet all the requirements described in this Sections A-H. Reviewers will specifically evaluate the degree to which the applications meet EPA's objectives and criteria as discussed in Section G. Applications will be disqualified if they are incomplete or do not meet EPA's basic criteria.

##### *J. How Will the Final Selections be Made?*

After the applications are reviewed and ranked as described in Section G, EPA officials will compare the best applications and make final selections. Factors EPA will take into account include; geographic and socio-economic balance, diverse nature of the projects, and if the partnership's benefits can be sustained after the grant is completed.

##### *K. How Will Applicants be Notified?*

After all applications are received, EPA will mail acknowledgements to each applicant. Once applications have been recommended for funding, EPA will notify those applicants selected and request any additional information necessary to complete the award process. The EPA Office of Environmental Justice will notify those applicants whose grant applications were not selected for funding.

#### *Post-Award*

##### *L. When Should the Proposed Partnership Begin Functioning?*

Partnerships cannot operate or begin development on this specific project before funds are awarded. Start dates are currently targeted for August 1, 1996. It is EPA's intent to fund each partnership only once. Future funding is dependent upon congressional appropriations.

**M. How Much Time do Grant Recipients Have to Complete the work Proposed?**

Activities must be completed within the time frame specified in the grant award, usually one or two years from award date. Grant project periods may be approved for up to two years.

**N. Who Will Develop and Manage the Partnerships?**

Grant recipients are responsible for the successful development and management of all projects. All applications must identify a project manager. The recipient's project manager is subject to approval by the EPA project officer, but EPA may not direct that any particular person be the project officer. The lead institution (applicant) is recognized as the grantee and as such is responsible for all activities under the agreement.

**O. What Reports Must Grant Recipients Complete?**

Recipients of grants will be expected to report on quarterly progress, as well as final project completion. All recipients must submit final reports for EPA approval prior to the expiration of the project period. Specific reporting requirements will be detailed in the award agreement. EPA plans to collect, evaluate, and as appropriate, disseminate grantees' final reports to serve as model programs. Since networking is crucial to the success of the program, grantees may be asked to transmit an extra copy to a central collection point.

**P. What is the Expected Time frame for the Review and Awarding of the Grants?**

December 1, 1995

Request for Applications Published in the Federal Register

December 1, 1995–March 2, 1996

Eligible grant recipients develop their proposals

March 2, 1996

Proposals must be postmarked or received by EPA by this date

March 2, 1996–May 1, 1996

Federal Agency Officials and review panel evaluate and recommend award selection

May 1, 1996–June 30, 1996

EPA Grants Administration Division processes grants. Applicants will be contacted by the grants office if their proposals were selected for funding. Additional information may be required from the selectees.

August 1, 1996

EPA anticipates the awarding of the grants and the beginning of the partnership projects/activities.

**Fiscal Year 1997 Grants**

To Receive Information on the Fiscal Year (FY) 1997 Environmental Justice Community/University Partnership (CUP) Grants Program and future year grants, please mail or fax your request along with your name, organization, address, and phone number to the Office of Environmental Justice (OEJ), FY 1997 CUP Grants. OEJ's address is provided in Section H. OEJ's fax number is (202) 260-0852. You may also obtain this information by calling OEJ's 24 hour hotline number 1-800-962-6215

**Available Translations**

A Spanish translation of this announcement is available upon request. Please call the Office of Environmental Justice at 1-800-962-6215 for a copy.

Hay traducciones disponibles en español. Si usted está interesado en obtener una traducción de este anuncio en español, por favor llame a la Oficina de Justicia Ambiental conocida como "Office of Environmental Justice", línea de emergencia (1-800-962-6215).

**Working Definitions**

**Tribes**—all federally recognized American Indian tribes (including "Alaskan Native Villages"), pueblos, and rancherios. Although the term "tribe," as defined in this notice, refers to only "federally recognized tribes," state recognized tribes or indigenous peoples organizations are able to apply for grant assistance as "other eligible grass-roots organizations" as long as they meet the definition of an incorporated, nonprofit organization.

**Nonprofit**—means any corporation, trust, association, cooperative, or other organization which (1) is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest; (2) is not organized primarily for profit; and (3) uses its net proceeds to maintain, improve, and/or expand its operations.

November 27, 1995.

Clarice E. Gaylord,

Director, Office of Environmental Justice.

[FR Doc. 95-29744 Filed 12-05-95; 8:45 am]

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**[FRL-5340-3]****State of New Jersey; Final Partial Program Determination of Adequacy of State/Tribal Municipal Solid Waste Landfill Permit Program**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of Final Partial Program Determination of Adequacy on New Jersey's Application.

**SUMMARY:** Section 4005(c)(1)(B) of the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments (HSWA) of 1984, requires States to develop and implement permit programs to ensure that Municipal Solid Waste Landfills (MSWLFs) which may receive hazardous household waste or small quantity generator waste will comply with the revised Federal MSWLF Criteria (40 CFR 258). RCRA section 4005(c)(1)(C) requires the Environmental Protection Agency (EPA) to determine whether States have adequate "permit" programs for MSWLFs, but does not mandate issuance of a rule governing such determinations. EPA has drafted and is in the process of proposing a State/Tribal Implementation Rule (STIR) that will provide procedures by which EPA will approve, or partially approve, State/Tribal landfill permit programs. The Agency has approved and will continue to approve adequate State/Tribal MSWLF permit programs as applications are submitted. Thus, these approvals are not dependent on final promulgation of the STIR. Prior to promulgation of the STIR, adequacy determinations will be made based on statutory authorities and requirements. In addition, States/Tribes may use the draft STIR as an aid in interpreting these requirements. The Agency believes that early approvals have an important benefit. Approved State/Tribal permit programs provide for interaction between the State/Tribal and the owner/operator regarding site-specific permit conditions. Only those owner/operators located in States/Tribes with approved permit programs can use the site-specific flexibility provided by Part 258 to the extent the State/Tribal permit program allows such flexibility. EPA notes that regardless of the approval status of a State/Tribal and the permit status of any facility, the federal landfill criteria will apply to all permitted and unpermitted MSWLF facilities.

The State of New Jersey applied for a partial program determination of adequacy under Section 4005 of RCRA. EPA reviewed New Jersey's application and made a tentative determination of adequacy for those portions of the MSWLF permit program that are adequate to ensure compliance with the revised MSWLF Criteria. After reviewing all comments received, EPA today is granting final partial approval to New Jersey's program.